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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/525,065	03/14/2000	Hiroyoshi Yoshida	35.C14351	7626
5514	7590	04/07/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			NARAYANASWAMY, SINDYA	
			ART UNIT	PAPER NUMBER
			2174	
DATE MAILED: 04/07/2004				

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/525,065	YOSHIDA, HIROYOSHI <i>sf</i>
	Examiner	Art Unit
	Sindya Narayanaswamy	2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 01 February 0204.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,3-7 and 9-13 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1, 3-7,9-13 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

1. Claims 1, 3-7 and 9-13 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 5, and 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Giltner et al, US-4,386,416.

4. As per claim 1, Giltner et al. teach the invention as claimed including a data transmission apparatus comprising:

an input unit, arranged to input data (compression unit) (Abstract, line 4);
a transmission unit, arranged to transmit the data inputted by said input unit to a destination (compression unit) (Abstract line 4);
a discrimination unit, arranged to discriminate an attribute of the an attribute of the data inputted by the input unit (136, Fig. 3);
a storage unit, arranged to store the data inputted by the input unit to a predetermined memory (col. 1, lines 13-15); and

a control unit, arranged to selectively control a transmission operation of the transmission unit in accordance with a discrimination result obtained by the discrimination unit, wherein the control unit controls such that the transmission unit transmits the data inputted by the input unit to the destination, or such that the transmission unit transmits information indicating a storage location used by the storage unit to the destination, in accordance with the discrimination result obtained by the discrimination unit (Abstract, lines 14-21, col. 1, lines 13-15).

5. As per claim 5, Giltner et al teach a data transmission apparatus comprising:
 - an input unit, arranged to input data (compression unit) (Abstract, line 4);
 - a transmission unit, arranged to transmit the data inputted by the input unit to a destination (compression unit) (Abstract line 4);
 - a discrimination unit, arranged to discriminate a characteristic of the destination (col. 17, lines 13-18) and
 - a storage unit, arranged to store the data inputted by the input unit to a predetermined memory (col. 1, lines 5-17)
 - a control unit arranged to control a transmission operation of the transmission unit in accordance with a discrimination result obtained by the discrimination unit, wherein the control unit selectively controls the transmission unit such that the transmission unit transmits the data inputted by the input unit to the destination, or such that the transmission unit transmits information indicating a storage location used by the storage unit to the destination, in accordance with the discrimination result obtained by

the discrimination unit (Abstract, lines 14-21, col. 1, lines 13-15; 152, Fig. 3; col. 7, lines 15-36).

6. As per claims 10 and 12, they are the method and computer-readable program claims of claim 1; therefore they are rejected on the same basis as claim 1.
7. As per claims 11 and 13, they are the method and computer-readable program claims of claim 5; therefore they are rejected on the same basis as claim 5.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claim 4 is rejected under 35 U.S.C 103(a) as being unpatentable over Giltner, US-4,386,416.
3. As per claim 4, Giltner does not specifically teach that the discrimination means discriminates a data amount of the data input by said input means (Fig. 5; col. 4, lines 40-50).

However, Official Notice is taken that discriminating based on data amount or size is well known in the art therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a discrimination means based on data amount into Giltner's invention in order to prevent data overload in the system.

4. Claims 3, 6, 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giltner et al., US-4,386,416, in view of Birrell et al, US-5,774,654.

5. As per claim 3, Giltner teaches the limitations of claim 1 but does not teach an apparatus in which the transmission unit transmits the information indicating the storage location, where the transmission unit transmits a message indicative of an access manner of the data stored by the storage unit to the destination. Birrell et al teach an apparatus wherein in a case in which the transmission unit transmits the information indicating the storage location, the transmission unit transmits a message indicative of an access manner of the data stored by the storage unit to the destination (col. 13; lines 1-7; col. 1, lines 5-17). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Giltner and Birrell et al because Birrell's system of indicating the storage location of data allows for the receiver to access data that could not be otherwise viewed by placing it in an alternate location. One of ordinary skill in the art at the time of the invention would have been motivated to do so in order to improve the quality of the transmission system.

6. As per claim 6, Birrell et al teach a system wherein discrimination means discriminates (filtered and controlled) a connecting format to the destination (col. 5, lines 63-67; col. 6, lines 18).

7. As per claim 7, Giltner and Birrell et al do not teach an apparatus wherein said discrimination means discriminates a processing ability of a device of the destination. However, Birrell et al disclosed that the system can be configured to "hold-back" large embedded components and replace them with hot-links. It would have been obvious to one of ordinary skill in the art to configure the system to "hold-back" when it is required. One of ordinary skill in the art would have been motivated to do so because it would minimize an unnecessary amount of network traffic and thus improve user interactions. One of ordinary skill in the art at the time of the invention would have been motivated to do so in order to improve the quality of the transmission system.

8. As per claim 9, Giltner teaches the limitations of claim 5 but does not teach an apparatus in which the transmission unit transmits the information indicating the storage location, where the transmission unit transmits a message indicative of an access manner of the data stored by the storage unit to the destination. Birrell et al teach an apparatus wherein in a case in which the transmission unit transmits the information indicating the storage location, the transmission unit transmits a message indicative of an access manner of the data stored by the storage unit to the destination (col. 13; lines 1-7; col. 1, lines 5-17). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Giltner and Birrell et al

because Birrell's system of indicating the storage location of data allows for the receiver to access data that could not be otherwise viewed by placing it in an alternate location. One of ordinary skill in the art at the time of the invention would have been motivated to do so in order to improve the quality of the transmission system.

Response To Argument

9. In the remarks, applicant has argued in substance that:
 - (1) The cited portions of the Giltner text are silent about the feature of selectively controlling whether to transmit the data input by the input unit to the destination or to transmit information indicating the storage location used by the storage unit, to the destination.
 - (2) Maki does not teach or suggest a control unit that selectively controls whether to transmit data input by an input unit to a destination or to transmit information indicating a storage location used by a storage unit to the destination.
 - (3) Nothing in Maki is believed to teach or suggest the mentioned feature of selectively controlling whether to transmit the input data to the destination or to transmit information indicating the storage location to the destination, based on a discrimination result.
10. Applicant respectfully disagrees with Applicant's arguments and resubmits that:
 - (1) The control unit is selective as to whether data is transmitted or whether information (library address) pertaining to the storage location used by the storage unit is transmitted (Abstract, lines 1-28). The criteria for selection is explained in greater detail in col. 3,

lines 40-50 (*selection depends whether the word/data exists in the reconfiguration library*). Thus, there is selectively, and it is under the jurisdiction of the system's control unit. The claim language does not state that feature of selective transmission is user based.

(2) The Maki rejection has been withdrawn, therefore the Applicant's arguments are moot.

(3) The Maki rejection has been withdrawn, therefore the Applicant's arguments are moot.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sindya Narayanaswamy whose telephone number 703-305-8473. The examiner can normally be reached on 8 am to 5 pm, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 703.308.0640. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-5404 for regular communications and (703) 305-5404 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

April 2, 2004

Sindya Narayanaswamy

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Art Unit: 2174

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Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100